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Application No. 03 757 056.1 - 2405	Ref. VJR/45311	Date 02.05.2006
Applicant GlaxoSmithKline Biologicals S.A.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Mossier, B  
Primary Examiner  
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)



The examination is being carried out on the following application documents:

**Description, Pages**

1-68 as published

**Sequence listings part of the description, Pages**

1-39 as published

**Claims, Numbers**

1-27 as published

**Drawings, Sheets**

1-45 as published

1. An International Preliminary Examination Report has already been drawn up for the present application in accordance with the PCT (see IPER dated 10.11.2003). Novelty and inventive step has already been acknowledged for the subject-matter referred to in claims 1 - 27 in said IPER.
2. However, the application does not meet the requirements of the EPC in the following respects:

**2.1 Article 84 EPC**

The term "derivatives" used in claim 3 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 84 EPC).

Claim 24 should read: *...treating a patient suffering from/or susceptible to cancer.*  
(the slash was missing).

**2.2 Article 52 (4) EPC**

Methods for treatment of the human or animal body as referred to in claims 26 and 27 are not regarded as inventions susceptible of industrial application within the meaning of Article 52(4) EPC (see also Guidelines C-IV, 4.2) and are thus not allowable.



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum  
Date  
Date

02.05.2006

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2

Anmelde-Nr.

Application No.

Demande n°

03 757 056.1

3. The Examining Division informs the Applicant that, apart from the objections raised under point 2 the present application is considered ready to grant.  
According to Rule 27(1)(c) EPC the description should be brought into line with any amended claim, particularly all methods of treatment excluded from the scope of the claims should be removed or suitably amended; for example, statements like *the invention features/relates to/provides methods for inhibiting the development of a cancer in a patient* have to be reformulated or rigorously deleted from the description.
4. The Applicant is asked to submit any amendments in the form of handwritten corrections to the application as originally filed and also in the form of retyped pages (Rule 35(10) and 36(1) EPC).
5. During revision of the application, the greatest care should be taken not to add any subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).